

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

KENNETH W. BARNETT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:09-cv-1060-MEF
	)	
UNITED STATES TENNIS	)	(WO - DO NOT PUBLISH)
ASSOCIATION,	)	
	)	
Defendant.	)	

**ORDER**

On November 17, 2009, the Court entered an Order (Doc. #4) denying Plaintiff's Motion For Leave To Proceed *In Forma Pauperis* (Doc. #2) and instructing Plaintiff to pay the civil filing fee "no later than 5:00 p.m. on Monday, November 30, 2009." The Court admonished Plaintiff that "his lawsuit may be dismissed for want of prosecution if he fails to pay the filing fee." On December 3, 2009, Plaintiff submitted a partial payment of the filing fee totaling \$20.00. On December 8, 2009, the Court entered an Order (Doc. #11) directing Plaintiff to pay the balance of the fee on or before December 15, 2009, and admonished Plaintiff that failure to pay the fee in full "will" result in the dismissal of his case. Plaintiff has failed to pay the filing fee within the time instructed by the Court. Accordingly, it is

ORDERED that this case is DISMISSED without prejudice due to Plaintiff's failure to prosecute this action.

A separate final judgment will be entered consistent with this Order.

DONE this the 17<sup>th</sup> day of December, 2009.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE